



General Assembly

Amendment

January Session, 2011

LCO No. 8205

HB0664208205HD0

Offered by:

REP. DILLON, 92nd Dist.

REP. FOX, 146th Dist.

REP. HETHERINGTON, 125th Dist.

SEN. COLEMAN, 2nd Dist.

To: House Bill No. **6642**

File No. 660

Cal. No. 389

***"AN ACT CONCERNING THE RECOMMENDATIONS OF THE
NATIONAL PRISON RAPE ELIMINATION COMMISSION."***

1 Strike everything after the enacting clause and substitute the
2 following in lieu thereof:

3 "Section 1. (NEW) (*Effective October 1, 2012*) (a) Any agency of the
4 state or any political subdivision of the state that incarcerates or
5 detains adult offenders, including persons detained for immigration
6 violations, shall, within available appropriations, adopt and comply
7 with the applicable standards recommended by the National Prison
8 Rape Elimination Commission for the prevention, detection and
9 monitoring of, and response to, sexual abuse in adult prisons and jails,
10 community correction facilities and lockups.

11 (b) Such standards include, but are not limited to:

12 (1) Zero tolerance of sexual abuse;

- 13 (2) Contracting with other entities for the confinement of inmates or
14 detainees;
- 15 (3) Inmate or detainee supervision;
- 16 (4) Heightened protection for vulnerable detainees;
- 17 (5) Limits to cross-gender viewing and searches;
- 18 (6) Accommodating inmates or detainees with special needs;
- 19 (7) Hiring and promotion decisions;
- 20 (8) Assessment and use of monitoring technology;
- 21 (9) Evidence protocol and forensic medical examinations;
- 22 (10) Agreements with outside public entities and community service
23 providers;
- 24 (11) Agreements with outside law enforcement agencies;
- 25 (12) Agreements with the prosecuting authority;
- 26 (13) Employee training;
- 27 (14) Volunteer and contractor training;
- 28 (15) Inmate education;
- 29 (16) Detainee, attorney, contractor and inmate worker notification of
30 agency's zero-tolerance policy;
- 31 (17) Specialized training: Investigations;
- 32 (18) Specialized training: Medical and mental health care;
- 33 (19) Screening for risk of victimization and abusiveness;
- 34 (20) Use of screening information;

- 35 (21) Inmate or detainee reporting;
- 36 (22) Exhaustion of administrative remedies;
- 37 (23) Inmate access to outside confidential support services or legal
- 38 representation;
- 39 (24) Third-party reporting;
- 40 (25) Staff and facility or agency head reporting duties;
- 41 (26) Reporting to other confinement facilities;
- 42 (27) Staff first responder duties;
- 43 (28) Coordinated response;
- 44 (29) Agency protection against retaliation;
- 45 (30) Duty to investigate;
- 46 (31) Criminal and administrative agency investigations;
- 47 (32) Evidence standard for administrative investigations;
- 48 (33) Disciplinary sanctions for staff;
- 49 (34) Disciplinary sanctions for inmates;
- 50 (35) Referrals for prosecution for detainee-on-detainee sexual abuse;
- 51 (36) Medical and mental health screenings: History of sexual abuse;
- 52 (37) Access to emergency medical and mental health services;
- 53 (38) Ongoing medical and mental health care for sexual abuse
- 54 victims and abusers;
- 55 (39) Sexual abuse incident reviews;
- 56 (40) Data collection;

- 57 (41) Data review for corrective action;
- 58 (42) Data storage, publication, and destruction; and
- 59 (43) Audits of standards."

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| This act shall take effect as follows and shall amend the following sections: | | |
| Section 1 | <i>October 1, 2012</i> | New section |